IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.845 OF 2004

L.Shiva Reddy .. Appellant

Versus

The Municipal Corporation of

Gr.Bombay. .. Respondents

Mr.S.P.Srivastav for appellant

Mr.M.D.Patil for respondents

CORAM : P.V.KAKADE, J.

DATE : 9TH SEPTEMBER, 2004

P.C.:

1. Rule. Rule made returnable forthwith by consent of the parties.

2. Heard both sides. This appeal preferred against the judgment and order dated 8.2.2002 dismissing the suit

for appellant for declaration and injunction thereby challenging the Notice under Section 314 of the B.M.C.Act.

3. The matter pertains to hawkers regarding which the issue is pending in the Apex Court for adjudication, therefore, my learned predecessor directed the Appellant to file their Undertaking. Accordingly the Undertaking is filed today to the effect that the appellant will shift his business from the address of the suit premises as and when he will receive the letter from the Office of the Respondent to shift his business to any other place.

. In view of this Undertaking, which is taken on record and marked as "X" for Identification, the First Appeal stands disposed of with no order as to costs.